

14 September 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Employee Subpoenaed to be a Witness

1. [REDACTED] from OJCS requested our opinion as to whether an employee who has been subpoenaed to appear as a witness in a case that has no connection with Agency business, may be granted leave other than annual.

2. My response to [REDACTED] was that [REDACTED] regarding granting court leave to an employee when he is being compelled to be a witness in a court proceeding is very specific in stating that an employee may be granted annual leave or LWOP when the appearance as a witness is not on behalf of a Government or is in his official capacity. There is no provision for granting any other type of leave. Furthermore, it is my view that none of the provisions of [REDACTED] regarding excused absences is applicable to the subject circumstances. Thus, it appears that only annual leave or LWOP may be applicable to these circumstances.

[REDACTED]  
Office of General Counsel

JED:ks

OGC:Distribution

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